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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/820,949 | 03/30/2001 | Toru Yoshihara | 566.39954X00 | 7386 |
| 20457 | 7590 | 09/29/2004 | EXAMINER | |
| ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889 | | | | WAHBA, ANDREW W |
| | | ART UNIT | | PAPER NUMBER |
| | | 2661 | | |

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/820,949 | YOSHIHARA ET AL. |
| | Examiner Andrew W Wahba | Art Unit 2661 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 March 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Generally, the claims are difficult to read and applicant is advised to make changes in addition to those listed below to make the claims easier to follow.

With regard to claim 1, several portions of the claim are unclear. In lines 3-5, applicant claims "the data relay apparatus relaying data between said communication apparatus and said relay path". The relay apparatus should relay data between either two paths or two apparatuses, not between an apparatus and a path.

In lines 7-12, it is not clear as to whether the specified signal (line 8) and the specified signal (lines 10-11) are the same or different. Also, it is not clear as to why the specified signal would be transmitted to the communication apparatus-side path and whether the specified signal represents a signal or a portion of a signal.

In lines 13-25, the applicant refers to "restoring data" (line 15), "without processing the data" (line 21), and "without restoring the data" (lines 23-24). The difference between terms "restoring" and "processing" is not understood. The terms are claimed more explicitly in claim 5, but remain difficult to understand from claim 1.

With regard to claim 2, in lines 2-3, applicant claims “immediately starts a processing to transmit the specified signal”. The term “processing” is not understood. The applicant may, for example, claim “immediately starts to transmit the specified signal”.

The applicant refers to “the specified signal” (line 4) and “said specified signal” (line 10). It is not clear whether these signals are the same or different as a specified signal appears in claim 1.

As in claim 1, applicant refers to processing the data (line 15) and restoring the data (line 18). The difference between terms “restoring” and “processing” is not understood. The terms are claimed more explicitly in claim 5, but remain difficult to understand from claims 1 and 2.

With regard to claim 3, applicant claims “channel … which is set between said data relay apparatus and said communication apparatus”. The term “set” is not understood. From claim 1, it is already understandable that the “communication apparatus-side path which is a path toward a communication apparatus” (lines 2-3).

With regard to claim 6, the applicant claims a “communication system” (line 1). Claim 6, however, depends on claim 1 that claims a “data relay apparatus”. In lines 2-5, the applicant claims the structure that is already understandable from claim 1.

With regard to claim 7, the applicant claims “relaying the data between said communication apparatus and said relay path” (lines 5-6). The relay apparatus should relay data between either two paths or two apparatuses, not between an apparatus and a path.

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It is unclear whether the “specified signal” (line 9) and the “specified signal” (line 11) are the same or different. Also, it is not clear as to why the specified signal would be transmitted to the communication apparatus-side path and whether the specified signal represents a signal or a portion of a signal.

As in claim 1, the difference between processing and restoring (line 1) is not understood.

Allowable Subject Matter

3. Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

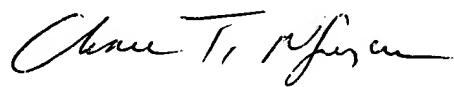
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba



September 23, 2004



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600